

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WAYNE DARNELL JOYNER,

Petitioner,

v.

Case No. 05-80955-34

Hon: AVERN COHN

UNITED STATES OF AMERICA,

Respondent.

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**ORDER DENYING MOTION FOR
THE PRODUCTION OF EXCULPATORY EVIDENCE**

Defendant has filed a Motion for the Production of Exculpatory Evidence (Doc. 1349). The government, in its response (Doc.1359) says:

- No case citation or Court Rule allows for consideration of such a motion long after a conviction becomes final. (Defendant pled guilty on November 21, 2007, and on August 21, 2008, defendant was sentenced.)
- The disclosure requirements under *Brady v. Maryland*, 372 US 83 (1983), do not continue after conviction, and a case closed.
- *United States v. Ruiz*, 536 US 622 (2002), says that exculpatory or impeaching material need not be produced before a guilty plea. Therefore, after a plea was entered, such material need not be produced.
- The government says that defendant received full discovery prior to the entry of his

- guilty plea, and that “. . .the information [defendant] seeks has either already been tendered to him or does not exist.”

Accordingly, the motion is DENIED.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: August 25, 2011

I hereby certify that a copy of the foregoing document was mailed to Wayne Darnell Joyner, 40683039, FCI - Lompoc, 3600 Guard Rd., Lompoc, CA 93436 and the attorneys of record on this date, August 25, 2011, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160